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FILED

OCT 29 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ADAM SHAFI,

17 Defendant.

) NO. CR 15-70856 MAG
)
) STIPULATION AND [PROPOSED] ORDER
) CONTINUING THE PRELIMINARY HEARING
) OR ARRAIGNMENT DATE AND EXCLUDING
) TIME FROM THE SPEEDY TRIAL ACT FROM
) OCTOBER 30, 2015 TO DECEMBER 17, 2015
)
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18) FILED UNDER SEAL

20 STIPULATION

21 1. The parties in the above-captioned case, defendant, Adam Shafi, represented by Harris
22 Taback and Frederick Remer, Esquires, and the government, represented by Candace Kelly, Assistant
23 United States Attorney, are scheduled to appear before this Court on October 30, 2015, at 9:30 a.m. for a
24 preliminary hearing or arraignment. The parties respectfully request that this hearing be continued until
25 December 17, 2015, at 9:30 a.m. The parties stipulate and agree that there is good cause to extend the
26 time for preliminary hearing or arraignment under Federal Rule of Criminal Procedure 5.1(d) and that
27 time should be excluded under the Speedy Trial Act (18 U.S.C. § 3161).

28 2. Pursuant to Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3060(b)(1), the

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
Case No. CR 15-70856 MAG

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1 Court must hold a preliminary hearing no later than 14 days after a defendant's initial
 2 appearance, if the defendant is in custody. Pursuant to Title 18, United States Code, Section 3161(b) of
 3 the Speedy Trial Act, the government must charge the defendant by way of indictment or information
 4 within thirty (30) days of his arrest date, however, this statute also provides that the exclusions of time
 5 set forth in Title 18, United States Code, Section 3161(h), as authorized by the Court, are not counted in
 6 said thirty (30) day computation.

7 3. Mr. Shafi had his initial appearance on July 6, 2015. Accordingly, the original deadline
 8 for a preliminary hearing or the return of an indictment was July 20, 2015. At the initial appearance and
 9 again at a subsequent hearing on July 15, 2015, the Honorable Maria-Elena James found good cause to
 10 continue the preliminary hearing or arraignment date under Rule 5.1(d) and Title 18, United States
 11 Code, Section 3060 and ordered that time be excluded time under the Speedy Trial Act until August 21,
 12 2015.

13 4. At the August 21, 2015 appearance, the parties represented that the defense counsel were
 14 reviewing the discovery that has been produced to date and that the government would be producing
 15 additional discovery. Additionally, both defense counsel were unavailable for periods of time in
 16 September 2015. In order to allow for continuity of counsel, as well as adequate time to review and
 17 digest the discovery in preparation for trial or a potential pre-Indictment resolution of the case, the
 18 parties requested and the Honorable Elizabeth D. Laporte ordered an extension of time for the
 19 preliminary hearing or arraignment and an exclusion of time under the Speedy Trial Act.

20 5. Subsequent to the August 21, 2015 appearance, the defense team informed the
 21 government that the defendant has decided to retain Joshua Dratel, Esquire, to lead his defense team.
 22 The government, Mr. Remer, and Mr. Dratel, have met to discuss this transition and Mr. Dratel's need to
 23 review the discovery in the case in order to adequately represent Mr. Shafi. Mr. Dratel is not a member
 24 of the California Bar and therefore has filed a *pro hac vice* motion with this Court seeking permission to
 25 appear in this matter.

26 6. Since the last appearance in this matter, the government has continued to provide
 27 discovery subject to a protective order signed by the Honorable Nandor Vadas. If the Court grants his
 28 *pro hac vice* motion, Mr. Dratel will be added to the protective order and provided access to discovery.

1 7. The current attorneys of record stipulate and agree that there is good cause to continue
2 this matter under Rule 5.1(d) from October 30, 2015 through and including December 17, 2015, and that
3 time should be excluded for the same period of time to allow for continuity of counsel as well as the
4 reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

5 SO STIPULATED.

6

7 DATED: October 28, 2015

/s/
HARRIS TABACK
Attorney for Shafi

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10 DATED: October 28, 2015

/s/
FREDERICK REMER
Attorney for Shafi

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12 DATED: October 28, 2015

/s/
CANDACE KELLY
Assistant United States Attorney

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17 ORDER

18 For the foregoing reasons, the Court HEREBY ORDERS that the preliminary hearing or
19 arraignment in the above-captioned case is continued to December 17, 2015 at 9:30 a.m. The Court
20 finds that good cause is shown and concludes that the continuance is proper under Rule 5.1(d) of the
21 Federal Rules of Criminal Procedure and Title 18, United States Code, Section 3060(c).

22 The Court further finds that based upon the representations of counsel and for good cause shown,
23 the Court finds that failing to exclude the time between October 30, 2015, and December 17, 2015,
24 would unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable
25 time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
26 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between
27 October 30, 2015 and December 17, 2015, from computation under the Speedy Trial Act outweigh the
28 best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED

1 that the time between October 30, 2015, and December 17, 2015, shall be excluded from computation
2 under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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4 DATED: 10/28/15
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JOSEPH C. SPERO
United States Magistrate Judge
Nandor J. Vadas

United States District Court
Northern District of California

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UNITED STATES OF AMERICA,
Plaintiff,
v.
ADAM SHAFI,
Defendant.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. CR 15-70856 MAG

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 29, 2015, I SERVED a true and correct copy(ies) of the attached order, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Frederick Randall Remer
1260 B. Street, Ste 220
Hayward, CA 94541

Candace Kelly
450 Golden Gate Avenue
Box 36055
San Francisco, CA 94102

Dated: October 29, 2015

Susan Y. Soong
Clerk, United States District Court

By: 
Stephen Ybarra, Deputy Clerk to the
Honorable ELIZABETH D. LAPORTE